

**BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING  
JULY 28, 2014 – REGULAR SESSION**

The Board of Island County Commissioners convened in Regular Session at 11:00 a.m. on July 28, 2014 for a Roundtable with Elected Officials and Appointed Department Heads, held in the Board of County Commissioners Hearing Room, Annex Building, 1 NE 6<sup>th</sup> Street, Coupeville, Washington. Other topics for the Regular Session followed at 6:00 p.m. as shown on the agenda. Jill Johnson, Chair, Helen Price Johnson, Member, and Aubrey Vaughan, Member were present.

Commissioner Johnson announced the cancellation of the monthly Roundtable meeting as there were no agenda items to consider.

Executive Sessions Announced

The Board will recess then meet in Executive Sessions at 2:00 p.m. and again at 3:00 p.m. as allowed under RCW 42.30.110(1)(i) to discuss with legal counsel litigation or potential litigation. The Executive Sessions will take place in the Commissioners' office, Conference Room 218, and are expected to last approximately one hour each with no announcement in open public session anticipated.

The meeting recessed at 11:01 a.m.

At 2:00 p.m. the Board reconvened Regular Session and immediately went into Executive Sessions with legal counsel as provided under RCW 42.30.110(1)(i).

The Board recessed at 4:00 p.m. following Executive Sessions.

The Board of Island County Commissioners (including Diking Improvement District #4) reconvened Regular Session at 6:00 p.m. to consider items contained on the agenda. The meeting began with the Pledge of Allegiance.

*Note: To view the video recording of this meeting, go to the County's [website](#) or directly to [the video](#). If you are interested only in a specific topic, click on the timestamp located on [the agenda](#) for that particular issue to hear the discussion.*

MODIFICATION TO THE AGENDA:

Moved to the Regular Agenda from the Consent Agenda:

- Item 8 - Bid Award – 2014 Countywide Fed-Aid Roadway Preservation; CRP14-03; Award to Krieg Construction, Inc.

PUBLIC INPUT OR COMMENTS

*[Documents on file with the Clerk of the Board]*

Public input or comments were offered by:

- Carol Wilkerson
- Commissioner Price Johnson in response to Ms. Wilkerson

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CONSENT AGENDA

*[Documents on file with the Clerk of the Board]*

Pre-audited bills: \$567,739.91  
 Vouchers: \$428,326.67  
 Electronic funds transfers: \$543.03  
 Payroll: None  
 Minutes: Regular Session – July 14, 2014

Assessor

Resolution C-57-14 (Amended) Authorizing Classifying Timber Land as Designated Forest Land in Island County. The resolution, originally adopted June 2, 2014, is amended to reflect the effective date of the merger, June 12, 2014 (SB 6180) as requested by the Department of Revenue.

Public Health

- Contract Amendment 15 with WA State Department of Health – Consolidated Contract. Amendment provides additional funding to WIC Nutrition Program (Breastfeed Peer Counsel Funds). Contract No. C16886; Amount: \$851 (RM-HLTH-2014-179)
- Contract with WA State Department of Social and Health Services (DSHS) – Early Intervention Program. Contract continues to provide early intervention to control threats to child safety so children can remain in their homes while also supporting families for the period of 7/1/14 – 6/30/15. Contract No. 1463-17020; Amount: \$15,260 (RM-HLTH-2014-185)

Public Works - County Roads

- Resolution C-76-14 (R-28-14) Amending CRP 14-04, Fidalgo Drive Slope Stabilization; Increase in Construction Cost. Amount: \$274,050
- Bid Award – Fidalgo Drive Slope Stabilization; CRP 14-04; Award to Interwest Construction, Inc. Amount: \$189,047
- ~~Bid Award – 2014 Countywide Fed-Aid Roadway Preservation; CRP14-03; Award to Krieg Construction, Inc. Amount: \$444,444~~ MOVED TO THE REGULAR AGENDA

Public Works Division

Memorandum of Agreement between the Federal Highway Administration, WA State Historic Preservation Officer, and WA State Department of Transportation – Island County's Concurrence with Section 106 National Historic Preservation Act (NHPA) – SR 20 Morris Road to Jacobs Road Safety Improvements Project

Sheriff

Contract Amendment A with WA State Military Department and the U.S. Department of Homeland Security to reallocate the unexpended balance of Island County's award to purchase new watercraft. The amendment revises Budget Sheet, Exhibit E to accommodate additional funds for equipment costs. Grant No. E13-237; Amount: \$97,000 (RM-SHER-2014-211)

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WSU Extension

Interdepartmental Agreement between Island County Noxious Weed Control Board and Island County Public Works to allow for a crew to assist Public Works in weed control on the public roadways in the month of August 2014. Contract No. WC-001-2014; Amount: \$3,500 (RM-WSU-2014-198)

**ACTION TAKEN:**

**Motion by Commissioner Price Johnson to approve the Consent Agenda as amended without Item 8, second by Commissioner Vaughan. Motion carried 3-0**

REGULAR AGENDA

*[Documents on file with the Clerk of the Board]*

Public Works – County Roads

ITEM 8 MOVED FROM THE CONSENT AGENDA TO THE REGULAR AGENDA

Bid Award – 2014 Countywide Fed-Aid Roadway Preservation; CRP14-03; Award to Krieg Construction, Inc. Amount: \$444,444

**ACTION TAKEN:**

**Motion by Commissioner Price Johnson to approve the Bid Award for the 2014 Countywide Fed-Aid Roadway Preservation to Krieg Construction in the amount of \$444,444, second by Commissioner Johnson. Motion carried 2-0 (Commissioner Vaughan abstained from voting due to a perceived conflict of interest)**

The Board recessed at 6:07 p.m. until 6:15 p.m. for public hearing.

PUBLIC HEARINGS

*[Documents on file with the Clerk of the Board]*

Planning & Community Development

6:15 p.m. Public Hearing (Continued from July 21): Ordinance C-75-14 (PLG-006-14) Reviewing and Updating the Island County Comprehensive Plan and Development Regulations to Protect Fish and Wildlife Habitat Conservation Areas. The Public Hearing was continued from July 21 to July 28 to provide for additional public comment.

Of record:

- July 28, 2014 Agenda (GMA No. 11153)
- Ordinance C-75-14 (PLG-006-14) – Version Not Adopted (GMA No. 11154)
- Attendance Sheets (GMA No. 11155)
- Email Record of Public Comments (7/7/14 to 7/28/14) (GMA No. 11156)
- Handout from Sara Cassett (GMA No. 11157)
- Handout from Ray Gabelein (GMA No. 11158)
- Handout from Carolyn Cliff (GMA No. 11159)

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In attendance:

- Brad Johnson
- William Simpson
- Sarah Sandstrom, Fisheries biologist with the Watershed Company  
*(Ms. Sandstrom has been assisting with review of Best Available Science (BAS) and policies and regulations)*

For the benefit of the audience Ms. Sandstrom explained Best Available Science (BAS) and how this process moved forward with the Technical Advisory Group. Mr. Simpson added that the Planning Commission held formal public hearings on the updates and amendments to the Comprehensive Plan and Development Regulations as those pertain to Fish and Wildlife Habitat Conservation Areas. The Board of County Commissioners held their first public hearing on July 21 to consider the Planning Commission's recommended changes to the Comprehensive Plan and Development Regulations then continued the public hearing to July 28 for additional public comments.

Commissioner Johnson opened the floor to public comment.

Public comments were offered by:

- John Williamson
- Marianne Edain
- Jamie Hartley
- Claudia VanderPol
- Carolyn Cliff *(Handout provided) (GMA No. 11159)*
- Diane Desick Piazzon
- Gary Piazzon
- Ray Gabelein *(Handout provided) (GMA No. 11158)*
- Sara Cassatt *(Handout provided) (GMA No. 11157)*
- Toni Piazzon
- Paula Spina
- Diane Kennedy
- Bill Steiner

There being no additional testimony, the public hearing was closed.

Following a lengthy discussion between Board members and staff, it was agreed to recess the meeting to provide staff an opportunity to review and compile the recommended changes to the ordinance then review those with the Commissioners to ensure intent.

The Board recessed at 8:16 p.m., returning to open session at 8:35 p.m.

Taking direction from the Board in terms of areas where there is shared interest for change, Mr. Johnson reviewed what staff believes to be the requested modifications to the Planning Commission's recommendations to Update the Island County Comprehensive Plan and Development Regulations to Protect Fish and Wildlife Habitat Conservation Areas:

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1. Develop legislative intent and Findings of Fact
  - A. In support of approach to protecting prairies and western toad and providing future direction for the comprehensive plan and other measures that might protect those features either through conservation futures, PBRS, or other planning methods.
  - B. Findings of Fact in support of the need to balance agricultural uses with the protection of critical areas.
2. Clarify exemptions for existing and ongoing agriculture.
3. Modify the bullet points under Exemption 1 to further clarify the exempt status of existing and ongoing agricultural activities and provide more specificity with respect to maintenance of agricultural drainage facilities that are also regulated streams.
4. Include in the BSA/mitigation requirements a reference to BMPs, drainage manuals, or NRCS guidelines or other requirements that provide adequate protection for critical areas, where it can be shown that such measures provide adequate protection.
5. Provide an exemption in the exemption table for removal of beavers and beaver dams consistent with the existing exemption in the Island County wetland regulations.
6. Include provisions for programmatic or multi-year permits under the permitted uses section with respect to maintenance and drainage facilities that are also regulated streams. Include in the Findings of Fact support from the Board to further explore the potential for structuring the fee schedule in such a way that would encourage multi-parcel permits either through a waiver of the fee or the charging of a single fee. In addition, structure the code to provide a provision stating specifically that a permit could be issued for multiple parcels.
7. Revert to the five-year provision for maintenance of an existing and ongoing agricultural use with the inclusion of language that accounts for unforeseen circumstances precluding adhering to the five-year period.
8. Include a statement regarding oil and gas pipelines or adopt the language that staff believes is in 17.02A regarding those facilities.
9. Replace the 1998 date with the term “legally existing” to better clarify the intent of the requirement that a use was either established without a permit when no such permit was required, or was established with a permit after such a time that a permit was required.
10. Modify restoration requirements to further clarify that when an agricultural drainage facility that is also a regulated stream is modified as part of an ongoing

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maintenance operation, that it is not the expectation it be restored in the same manner that another disturbed critical area might be restored.

11. Modify exemption table in 17.02B.300.A to clarify agricultural exemption for existing and on-going agricultural activities and to more clearly articulate requirements for work in regulated streams.

Board members agreed that staff correctly summarized their intent for change.

**ACTION TAKEN:**

**Motion by Commissioner Price Johnson to direct staff to make the requested changes and return an amended document to the August 11 Regular Session for review and scheduling of another public hearing to address the revisions on August 25, 2014 at 6:15 p.m., second by Commissioner Vaughan. Motion carried 3-0**

**COMMISSIONERS COMMENTS AND ANNOUNCEMENTS**

The Commissioners provided their respective comments and announcements.

There being no further business to come before the Board the meeting adjourned at 9:05 p.m. The Board will meet next in Regular Session on August 4, 2014 beginning at 10:00 a.m.

BOARD OF COUNTY COMMISSIONERS  
ISLAND COUNTY, WASHINGTON

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Jill Johnson, Chair

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Helen Price Johnson, Member

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Aubrey Vaughan, Member

ATTEST:

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Debbie Thompson  
Clerk of the Board